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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR 07-0568 MHP

Plaintiff, )

v. )

MARK JACOBSON, )

Defendant. )

PARTIES' JOINT REQUEST TO CONTINUE  
SENTENCING DATE AND ~~[PROPOSED]~~  
ORDER

It is hereby stipulated by and between counsel for the United States, Assistant United States Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas Carlucci, that, subject to the Court's approval, the sentencing hearing presently set for March 28, 2011, be continued and set for sentencing hearing on May 23, 2011 at 10:00 a.m. The Court previously scheduled the hearing for the related defendant Becky Christian, CR 08-0237 MHP, for this date.

The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24, 2007, to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets, gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the

1 Probation Office for a presentence report. The plea agreement also includes standard terms of  
2 cooperation.

3 In light of continuing cooperation under the terms of the plea agreement, the parties  
4 jointly request that the sentencing status hearing on March 28, 2011, be continued for a  
5 sentencing hearing on May 23, 2011. Additional time is needed for the defendant to complete  
6 his cooperation with the government. Specifically, charges have been filed against an alleged co-  
7 conspirator of the defendant, David Nosal. The Nosal case is numbered CR 08-0237 MHP. The  
8 Nosal case is currently on appeal, and the case will not proceed to trial until that appeal is  
9 resolved. The defendant Jacobson is expected to testify in that trial. Because Mr. Jacobson will  
10 be required to testify at trial, his cooperation with the government's investigation is not yet  
11 complete.

12 For all of these reasons, the parties jointly request that this Court vacate the sentencing  
13 hearing presently set for March 28, 2011, and set a sentencing hearing for May 23, 2011, at 10:00  
14 a.m. In addition, the parties jointly request that the due dates for the presentence report be  
15 calculated using the new sentencing date.

16 SO STIPULATED.

17 Dated: February 23, 2011

MELINDA HAAG  
United States Attorney

19 \_\_\_\_\_/s/  
20 KYLE F. WALDINGER  
Assistant United States Attorney

21 SO STIPULATED.

22 Dated: February 23, 2011

23 \_\_\_\_\_/s/  
24 THOMAS CARLUCCI  
Attorney for defendant Mark Jacobson

~~PROPOSED~~ ORDER

GOOD CAUSE APPEARING,

IT IS ORDERED that the sentencing status hearing presently set for March 28, 2011, be continued to May 23, 2011, at 10:00 a.m. The final presentence report should be disclosed two weeks prior to the sentencing date.

Dated this 23rd day February , 2011

